

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GRANDE VOITURE D'OHIO LA SOCIÉTÉ
DES 40 HOMMES ET 8 CHEVAUX,

Plaintiff,

Case No. 3:24-cv-115

vs.

MONTGOMERY COUNTY VOITURE
NO. 34 LA SOCIÉTÉ DES 40 HOMMES
ET 8 CHEVAUX, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendants.

ORDER: (1) OVERRULING PLAINTIFF'S OBJECTIONS (Doc. No. 4); (2) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Doc. No. 2); (3) REMANDING THIS CASE TO THE MONTGOMERY COUNTY, OHIO COURT OF COMMON PLEAS; (4) TERMINATING AS MOOT PLAINTIFF'S MOTION TO REMAND (Doc. No. 3); AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET

Defendants previously removed this civil case from the Montgomery County, Ohio Court of Common Pleas. Doc. No. 1. The case is before the Court upon the Report and Recommendation of United States Magistrate Judge Caroline H. Gentry (Doc. No. 2), Plaintiff's motion to remand (Doc. No. 3), Defendants' objections (Doc. No. 4), and the parties' respective responses (Doc. Nos. 5, 6). Judge Gentry recognized, in part, that Defendants' previous attempt to remove nearly identical proceedings from state court failed because "a state-court motion for contempt sanctions does not 'raise[] a federal question' sufficient to invoke this Court's removal jurisdiction under 28 U.S.C. § 1446." Doc No. 2 at PageID 21 (quoting *Grande Voiture d'Ohio la Société des 40 Hommes et 8 Chevaux v. Montgomery Cnty. Voiture No. 34 la Société des 40 Hommes et 8 Chevaux*, No. 3:23-CV-0155, 2023 WL 6554068 (S.D. Ohio Sept. 27, 2023)).

The Court has reviewed *de novo*, as required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), Plaintiff's objections, and all filings in this matter. Liberally construing Plaintiff's *pro se* filings in his favor and accepting his factual allegations as true, *see Estelle v. Gamble*, 429 U.S. 97, 106 (1976), the Court finds no merit in Plaintiff's objections. Judge Gentry's Report and Recommendation is not "clearly erroneous or ... contrary to law." 28 U.S.C. § 636(b)(1)(A); *see* Fed. R. Civ. P. 72(a).

Accordingly, Plaintiff's objections are **OVERRULED**, the Report and Recommendation is **ADOPTED**, and this matter is **REMANDED** to the Montgomery Ohio, Court of Common Pleas. Plaintiff's motion to remand is **TERMINATED** as moot. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith and, consequently, **DENIES** Plaintiff leave to appeal this Order *in forma pauperis*.

IT IS SO ORDERED.

July 16, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge